



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of:      AMP Incorporated  
File:            B-230120  
Date:            February 17, 1988

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### DIGEST

A bid offering a delivery period of 150 days after receipt of an order, where a maximum 150-day delivery period from the date of contract was required was properly rejected as nonresponsive because it effectively added 5 days for delivery through the ordinary mails of notice of the contract award to the 150-day delivery period.

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### DECISION

AMP Incorporated protests the award of a contract under invitation for bids (IFB) No. DNA002-88-B-0012, issued by the Defense Nuclear Agency. AMP's bid was rejected as nonresponsive because its offered delivery of 150 days after receipt of an order (ARO) did not conform to the solicitation's maximum delivery date of 150 days after the date of the contract. We dismiss the protest.

AMP contends that its statement of delivery 150 days ARO meant that it would deliver in 150 days or less from the actual award date. AMP bases its contention on the solicitation provision that "[t]he Government will mail or otherwise furnish to the offeror an award or notice of award not later than the day the award is dated." AMP claims that it takes many orders verbally from customers and considers the verbal order date to be its receipt of an order or "ARO." AMP therefore asserts that 150 days ARO and within 150 days after the date of the contract are synonymous terms. We do not agree.

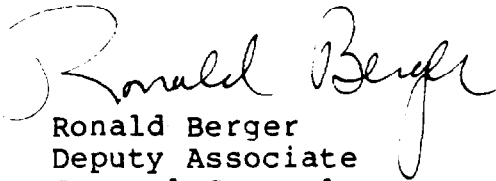
A government contract is generally not verbally awarded. Federal Acquisition Regulation (FAR) § 14.407-1. Thus, a bidder cannot assume that it will receive an informal "notice of award" by telephone. In fact, FAR § 12.103(e) requires an agency, when the delivery schedule is based on

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the date of the contract, to evaluate bids offering delivery based on the date the contractor receives the contract or notice of award by adding 5 days for the delivery of the notice of the award through ordinary mails. An offer to deliver within the specified number of days after receipt of notice of award in effect adds 5 days to the specified number of days as an allowance for delivery through the ordinary mails. Discount Machinery & Equipment, Inc., B-223048, May 23, 1986, 86-1 CPD ¶ 486.

To be responsive, a bid as submitted must comply in all material aspects with the terms of the IFB. Achievement Products, Inc., B-224940, Feb. 6, 1987, 87-1 CPD ¶ 132. Delivery terms are a material requirement and thus a bid that takes exception to the stated delivery schedule is nonresponsive and must be rejected. See Railway Specialties Corp., B-212535, Oct. 31, 1983, 83-2 CPD ¶ 519. AMP's bid, as required to be evaluated, is inconsistent with the IFB's required delivery date and therefore was nonresponsive and was properly rejected.

The protest is dismissed.

  
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Deputy Associate  
General Counsel